

**Minutes
Bar Harbor Planning Board
October 17, 2007**

Members present: Kay Stevens-Rosa, Chair; Jennifer Booher, Vice-Chair; Mike Gurtler; Kevin Cochary;

Also present: Anne Krieg, Town Planner; Angie Chamberlain, Code Enforcement Officers; Kris Hultgren, Staff Planner;

I. CALL TO ORDER — 5:34 p.m.

II. EXCUSED ABSENCES

No excused absences.

III. ADOPTION OF THE AGENDA

Ms. Booher made a motion to adopt the agenda. Mr. Gurtler seconded and the Board voted unanimously on the motion.

IV. APPROVAL OF MINUTES

No minutes to approve.

V. REGULAR BUSINESS

A. Deliberations – SD-06-20 – Orchard Ridge

Project Location: 45 Knox Rd, Bar Harbor Tax Map 227, Lot 46

Applicant: Shaw & Gott III, LLC

Application: Proposes to create an 8 lot residential subdivision off the Knox Road in Town Hill.

Ms. Stevens-Rosa recused herself.

Ms. Krieg updated the Board on a memorandum she wrote suggesting the Board recommend outside peer review of a wetland on lot 3. Ms. Krieg also updated the Board on a memorandum submitted by the applicant's soil scientist describing the methods used for determining the size of the wetland on lot 3. The applicant also submitted an updated list of deed covenants.

Mr. Gurtler addressed a letter submitted by Dessa Dansy, an abutter, and explained the legitimate concerns in the letter and assured neighbors that the Planning Board is listening to the neighbors' issues.

Mr. Gurtler and Mr. Cochary were satisfied with the letter submitted by the applicant verifying that the wetland on lot 3 was less than 80,000 SF.

Ms. Krieg inquired about the methods used by the soils scientist to determine the size of the wetland on lot 3. Mr. Johnston, speaking for the applicant, said the wetland on lot 3 was field verified by accessing the abutting property on foot.

The Board and the applicant discussed the responsibilities of the home owners association.

Ms. Booher expressed concern about the building area of lot 8.

Mr. Gurtler inquired about the trail system through the applicant's subdivision. Mr. Musson, representing the applicant, explained that neighbors interested in pursuing this issue should contact Mike Ross.

Mr. Gurtler made a motion to approve the application with the conditions that the engineering for the stormwater system be completed as part of the building permit for the road, the building envelope on lot 8 is shown on the final plan and future recreation easements go to minor site plan for approval. Mr. Cochary seconded and the Board voted unanimously on the motion (3-0).

B. Sketch Plan Review – SD-07-06 – Owl's Nest

Project Location: Stony Brook Way, Bar Harbor Tax Map 208, Lot 96

Applicant: Owl's Nest, LLC

Application: Proposes an 11 lot subdivision

Mr. Cochary asked for some clarification about whether this application is new or a continuation of a previously approved subdivision. Ms. Krieg explained that this application is a continuation of a previously approved subdivision.

Mr. Salisbury, representing the applicant, gave an overview of the sketch plan.

Mr. Gurtler inquired about the road behind the applicant's property and whether the applicant has rights to this road. The applicant responded that he does not have rights to this dirt road.

Mr. Gurtler asked about the difference between this application and a similar application that was withdrawn by the applicant during a previous project. The applicant responded that this new application stands on its own as a new subdivision that is not part of any previous project.

Mr. Cochary expressed his discomfort about the lack of a second egress for the subdivision because it's a 15 lot subdivision.

The Board discussed the need for a second egress and agreed this project should have one.

Mr. Bragg, the town attorney, agreed that the Board is well within its rights to require a second egress.

Mr. Gurtler made a motion to continue the sketch plan review until the December 5 meeting. Ms. Booher seconded and the Board voted unanimously on the motion.

C. Sketch Plan Review – PUD-07-02 – Blagden Highlands

Project Location: Indian Point Road, Bar Harbor Tax Map 241, Lots 8 & 9

Applicant: Timothy H. Gott

Application: Proposes a Planned Unit Development in the spirit of the Great American Neighborhood with 16 units.

Steve Salsbury, representing the applicant, gave an overview of the project.

Mr. Gurtler inquired as to why the applicant has decided to go with a PUD instead of a traditional subdivision. Mr. Salsbury responded by saying that the layout of the land is better suited for a PUD development.

Mr. Gurtler asked about the affordable housing component and Mr. Salsbury said he was not sure how many units would be affordable but some would.

Ms. Booher asked the applicant how this PUD fits into the Great American Neighborhood model. Mr. Salsbury responded that there is common open space dedicated that includes the large wetlands on the land.

Mr. Musson, representing the applicant, said the PUD meets some of the intent of the ordinance but not all because this project is more rural than a typical PUD in the spirit of the Great American Neighborhood that would include street connectivity and more pedestrian considerations. This project includes smaller building envelopes, at least 20% affordable housing and up to 50% open space preservation.

Mr. Gurtler expressed wanting to see the affordable housing units dedicated and see how this development meets a PUD standard. He went on to say that wetland delineation will be very important and he wants to see how the open space breaks down.

Ms. Booher reiterated to the applicant that the open space on the development should have a purpose that benefits the people living there. Mr. Musson asked for some clarification on whether trails would qualify as open space benefiting the residents and the Board said it would.

Ms. Booher asked the developer's representatives to consult a design professional to come up with some creative solutions to the development issues.

The Planning Board talked about having a clear set of covenants.

Ms. Booher asked why the developer is requiring all driveways be paved and Mr. Salsbury said it is for the aesthetics of the site. Ms. Kay-Stevens said this is an issue the Board may want to negotiate.

James Perkins, a member of the public, asked about the role of the Great American Neighborhood document in the PUD process.

Ms. Stevens-Rosa asked the applicant to get some clarification on the critical habitat standards from the state.

Joyce Schelling, a member of the public, expressed concern about the amount of water in the area and the impact on traffic.

Mr. Gurtler asked about the size of wetlands that extend off the developers property. He reiterated that the developer is responsible for making sure the wetland is below 2 acres and not regulated.

The Board discussed waivers.

Mr. Gurtler made a motion to grant waivers for items 6c, 6e, 7a, 7e, 9x, 12k, 12l, 18b, 20a, 20c, 20d, 25a, 25b, 25c, and 26. Mr. Cochary seconded and the Board voted unanimously on the motion.

Ms. Krieg asked the Board if it should request of applicants a full build out of the property or buildable land.

The Planning Department will schedule a site visit and neighborhood meeting.

VI. PLANNING DIRECTOR'S REPORT

No Report

VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

No comments or suggestions

VIII. ADJOURNMENT - 8:20 PM

Mr. Gurtler made a motion to adjourn. Mr. Booher seconded and the Board voted unanimously on the motion.

Signed as approved:

Kay Stevens-Rosa, Chair
Planning Board, Town of Bar Harbor

Date